IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Criminal Application No.804 of 2006

M/s.Maliram Makaria Finstock — Applicant
Vs.
Mr.Vimal Kumar J. Chaudhari & anr. — Respondents

Mr.S.V.Marwadi for applicant.
Mr.G.B.Kedia for resp.no.1.
Mr.S.R.Shinde, APP for State.

CORAM: B.H.MARLAPALLE, J.

August 6, 2007.

P.C.

. Heard the learned counsel for both the parties i.e. the applicant and the respondent no.1. The learned APP appears for the State.

. The applicant's complaint initially registered as CC No.797/S/2001 (thereafter registered as CC No.3190/S/2002 and finally re-registered as CC No.2800/S/2005) came to be dismissed for want of prosecution under Section 256 on 15/9/2005 and hence this application seeking leave to appeal under Section 378(4) of Cr.P.C.

. During the pendency of this application, both the parties negotiated for an amicable settlement and the negotiations have resulted in a settlement.

Consent Terms of the said settlement have been placed on record setting out the terms and conditions. The Consent Terms are marked as "X" for identification. The parties are present before the Court. Both the parties declare that the said Terms are binding on each of them. The applicant has already received an amount of Rs.50 lakhs and out of the remaining balance of Rs.50 lakhs, Rs.20 lakhs also have been received and the remaining Rs.30 lakhs are required to be paid in three equal instalments falling due on 30th September 2007, 31st December 2007 and 31st March 2008.

. Hence the application is disposed off in terms of the Consent Terms.

. The appeal does not survive and the same stands disposed.